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Letter dated 23 March 2005 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I write with reference to my letter of 19 October 2004 (S/2004/838). The Counter-Terrorism Committee has received the attached fourth report from Viet Nam submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex). I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Andrey I. **Denisov**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

05-30022 (E) 120505

Annex

Note verbale dated 23 March 2005 from the Permanent Mission of Viet Nam to the United Nations addressed to the Chairman of the Counter-Terrorism Committee

The Permanent Mission of the Socialist Republic of Viet Nam to the United Nations presents its compliments to the Chairman of the Committee and has the honour to transmit to the latter the fourth report of the Socialist Republic of Viet Nam on the implementation of resolution 1373 (2001) (see enclosure).

Enclosure*

Socialist Republic of Viet Nam

Fourth report to the Counter-Terrorism Committee of the United Nations Security Council pursuant to paragraph 6 of Security Council resolution 1373 (2001)

Vietnam's response to the questions of the Counter-terrorism Committee of the United Nations Security Council contained in the letter No. S/AC40/2003/MS/OC446 dated 18 October 2004 regarding the implementation of the Security Council's Resolution 1373 (2001) appears as follows:

1. IMPLEMENTATION MEASURES:

1.1. The CTC, with the assistance of its panel and experts, has carefully consider Viet Nam's previous reports along with other relevant information, and notes that the legislation in place to implement fully the Resolution is still not sufficient. In particular, the CTC notes that there does not appear to have been any substantial progress since the most recent report in any of the following aspects of the Resolution:

- Anti-Terrorism legislation;
- Implementation of the UN anti-terrorism conventions;
- Measures preventing and financing of terrorism.

The CTC requests, therefore, that Viet Nam provide a detail report on steps taken by Viet Nam to comply with its obligations under the resolution in the above areas.

Vietnam's response:

Recently, terrorist activities have been taking place in complicated manner and with serious characteristic and level, under various forms... which caused severe consequence to many countries, directly posing threats to security in the region and in the world. Viet Nam condemns all terrorist acts in any form and under any motivation and holds that the perpetrators of terrorist attacks must be brought to justice. Viet Nam endorses efforts of international community to fight against terrorism, in accordance with the United Nations Charter and fundamental principles of international law, for the sake of peace, stability and security in the world. Viet Nam views that terrorism can only be eliminated by thoroughly dealing with its root causes.

For Viet Nam, there have recently been signs of terrorist attempt aimed at foreign diplomatic representative offices and international organization representative offices in Viet Nam. Some reactionary Vietnamese overseas attempted to attack Vietnamese

* Annexes are on file with the Secretariat and are available for consultation.

Embassy in foreign countries by bomb and conspired to organize armed groups in order to infiltrate into Viet Nam to carry out their plans of terrorism and sabotage. There is evidence showing that some international terrorist organizations have conspired to carry out terrorist acts against important international events in Viet Nam.

However, up to now, there has not been any terrorist attack implemented by international terrorist organizations in Viet Nam. Viet Nam is also viewed as one of the most secure destinations in the world. This is manifested through the successful organization of some important events namely the 22nd SEA Games in December 2003 and the 5th Asia-Europe Summit (ASEM 5) in October 2004.

The above achievements have been resulted from many measures to prevent and fight against terrorist crimes taken by Viet Nam in various fields (such as legal, administrative... measures), as well as those to intensify co-operation with other countries and international organisations in this field. The Prime Minister of Viet Nam has instructed our Ministries, agencies and local governments concerned to actively implement preventive measures in order to restrict and eliminate conditions that can be utilized by terrorists to conduct terrorist acts in Viet Nam's territory, to widely develop international relations, both bilateral and multilateral, in the field of preventing and fighting against terrorism; simultaneously to implement United Nation's counter-terrorism Resolutions and international treaties to which Viet Nam is a party. These methods have been working effectively and contributing to the maintenance of political stability, social order and security in Viet Nam.

* *Viet Nam's anti-terrorism legislation*

The previous reports of Viet Nam to CTC under Paragraph of Resolution 1373 (2001), as well as Report submitted to the Committee established under Resolution 1267 (1999) of the United Nations Security Council pursuant to paragraphs 6 and 12 of Resolution 1455 (2003), presented the comprehensive legal system of Viet Nam on preventing and suppressing of terrorism. Although Viet Nam has not yet enacted any separate legal instrument on combating terrorism, outstandingly provisions in various relevant legal instruments (such as on criminal matters, criminal proceedings, administration...) have helped to establish a relatively sufficient and effective legal framework for preventing and suppressing of terrorism.

According to the Ministry of Justice's General Report on the Evaluation of the Needs for Comprehensive Development of Vietnamese Legal System up to the year of 2020 and the Strategy for Development of the Vietnamese Legal System up to the year of 2010, the Penal Code will be amended to transform provisions on counter-terrorism under the international conventions to which Viet Nam is a party (already mentioned in the 2nd Supplementary Report of Viet Nam). In studying to accomplish this Penal Code, the concerned agencies of Viet Nam are now considering the recommendations made by UN Office for Drug and Crimes (UNODC) on the amendment of the Code. These

recommendations[1] were put forward by experts of UNODC at the Workshop on Accession and Implementation of Anti-Terrorism International Conventions, held in Ha Noi (Viet Nam) on 22 November 2004.

Under our laws and regulations, the process of amending and improving Viet Nam's legal system in general and anti-terrorism legislation in particular is relatively complicated, which should be carried out through different steps and takes time.

Recently, Viet Nam has promulgated some legal documents relating to the prevention and fight against terrorism, such as:

- **The Criminal Procedure Code 2003 (amended)** has one part (Part 8) consisting of two chapters on international co-operation in criminal proceedings. Accordingly, Chapter 36 provides for (matters of) principles in international co-operation in investigation, prosecution, trial and enforcement of sentence and Chapter 37 provides for extradition as well as transfer of dossiers, documents and exhibits of cases.[2]

- **Law on National Security,** passed on 3 December 2004, comes into effect on 01 July 2005. This is an important instrument providing for "policy of national security; principles, responsibility, measures to protect national security; rights, obligations, responsibility of agencies, organizations, individuals in protecting national security" (Article 1).

Under this Law, the following acts shall be prohibited:

- Organizing, carrying out activities, colluding with, instigating, forcing, inciting, bribing, deceiving, embroiling other(s) in order to oppose the People's Administration (Article 13).

- Taking order given by organization and individual to carry out activities in violation of national security or participating in, supporting, financing, supplying weapons, means for organizations and individuals to carry out activities in violation of national security... including terrorist acts (Article 13), (under Penal Code, terrorism is considered as act of violation of national security).

Also under this Law, the Prime Minister is entitled to apply some measures necessary to deal with threats to national security which are not considered as serious level as to declare a state of emergency, such as: to restrict or temporarily ban the transportation, use of flammable, explosive, toxic substances, dangerous chemical or radioactive substances which belong to lawful possession and disposal of agencies, organizations, individuals; strictly control the transportation of any kind of weapons and supporting accessories.. (Article 21).

- **Decree No. 03/2002/NĐ-CP dated 07 January 2002 of the Government on protection of oil and gas safety and security** provides the responsibility of agencies,

[1] The Recommendation appears as Annex 1.
[2] Full text of Part 8 appears Annex 2.

organizations, individuals to ensure oil and gas safety and security, including provisions on ensuring safety for oil exploiting and processing facilities which can be targets of terrorist acts.

- **Decision No. 04/2004/QĐ-BGTVT dated 19 March 2004 of the Minister of Transportation promulgating the "Program for Viet Nam Civil Aviation Security".** This Program is promulgated to prevent, detect, stop in time and effectively struggle against acts of illegal intervention in civil aviation; maintain the safe and efficient operation of airports, international and domestic flights and foreign airlines through the airspace and information region managed and controlled by Viet Nam, to and from Viet Nam's civil airports. The program stipulates detailed and concrete provisions on responsibilities of relevant persons, compulsory procedures of security check, screening and supervision of passengers and luggage (especially for weapons, flammable and explosive substances which can be used for terrorists purpose) in order to ensure the aviation security; prevent any act of illegal seizure or control of aircraft.[3]

Viet Nam is now taking part in the Working Group of Senior Officials on Counter-Terrorism, established by the Bali Regional Ministerial Meeting on Counter-Terrorism (held in Bali, Indonesia, February 2004), in order to exchange experience with other countries in improving domestic legal system on counter-terrorism[4]. To date, Viet Nam has participated in the first meeting of the above-mentioned Group (held in Australia, August 2004) and the "Workshop on International Legal Co-operation against Terrorism" (held in Thailand, January 2005). Viet Nam actively took part in the workshop and made certain contribution to the outcome of the workshop, especially in the issues of mutual assistance of judicial matters, extradition.

In 2005, Viet Nam plans to enact some legal instruments to strengthen the prevention and suppression of terrorism as follow:

- The Decree of the Government against Money Laundering;

- The "Prime Minister's Instruction on prevention and suppression of terrorism in the new context";

- "Plan on prevention and suppression of terrorist acts aiming at foreign diplomatic representative offices in Viet Nam";

- Project on the prevention and suppression of terrorism of the Ministry of Public Security which includes, among other things, "Anticipation of terrorist acts that might happen and measures to deal with them".

[3] Full text of the Program appears as Annex 3.

[4] According to the Meeting's Co-Chairman Statement, this Working Group would stock-take of existing regional legal frameworks to identify the co-operative fields which need improving and make recommendations for appropriate legislative action and other legal measures required to ensure that terrorist acts are appropriately criminalized.

- "Plan on prevention and suppression of terrorism" of the People's Public Security Force;

- Set of alternatives on prevention and suppression of terrorism and hostage taking of the People's Public Security Force;

With regard to the operational mechanism, in the context that terrorist acts increasingly become more complicated and serious (as mentioned above), the Ministry of Public Security has set up an agency specializing in combating terrorism, the Department of Counter-terrorism (under the General Department of Security, the Ministry of Public Security) and established the Directing Board on prevention and suppression of terrorism, headed by one Deputy Minister of Public Security (Viet Nam will provide the CTC with updated information on this matter).

* *Implementation of the United Nations' conventions against terrorism and co-operation in counter-terrorism*

To date, Viet Nam has ratified and acceded to 8 out of 12 international conventions against terrorism. Besides, in the context of the increase of criminal activities, especially terrorism, in Asia generally and in the Southeast Asia particularly, Viet Nam has taken an active part in elaborating and adopting the ASEAN Treaty of Mutual Assistance in Criminal Matters[5] and signed this instrument on 29 November 2004. Relevant agencies of Viet Nam are now considering the ratification of the Treaty in the near future. Viet Nam together with other States successfully elaborated and adopted the final text of Regional Co-operation Agreement of Combating Piracy and Armed Robbery against Ships in Asia (November 2004)[6].

Pursuant to the present laws and regulations of Viet Nam (Article 23, the Ordinance on conclusion and implementation of international treaties, 1998), "The Socialist Republic of Viet Nam seriously respects international treaties it concluded..." Moreover, according to most of legal documents in force in Viet Nam, in case of conflict between provisions of domestic laws and those of international treaties to which Viet Nam is a party, the latter shall prevail. Therefore, even though not yet being incorporated into our domestic law, international treaties, which Viet Nam has ratified or acceded to, are being in force within Viet Nam's territory and prevail domestic laws.

At present, basing on the 1998 Ordinance, Viet Nam has been drafting the Law on Conclusion, Accession and Implementation of International Treaties[7]. As to the above-mentioned matter, the Draft Law tends to prioritize international treaties (of which Viet Nam

[5] Full text of the Treaty appears as Annex 4.

[6] This Agreement will be signed soon. Full text of the Agreement appears as Annex 5.

[7] The Draft of this Law was submitted to the National Assembly for the first consideration in November 2004. The Law is scheduled to be passed after the second consideration of the National Assembly in May 2005.

is a party) over domestic law (Paragraph 2 of Article 4)[8]. Furthermore, the Draft has also provides for the incorporation of international treaties into domestic law (Paragraph 3 of Article 4), by indicating that, "*In case it is impossible to apply directly certain provisions of an international treaty that is in force with respect to the Socialist Republic of Vietnam, the competent authority in deciding on the signing, ratification, approval or accession to such international treaties, shall decide to promulgate legal document(s) for implementing the international treaty.*"

However, to fully implement international treaties, in some cases, it is necessary to enact some legal instruments with the aim to specify provisions of these treaties in the Vietnamese legal system. These efforts of Viet Nam were mentioned above.

Having been party to 8 conventions on anti-terrorism, Viet Nam is considering the possibility of acceding to the rest 4 conventions against terrorism. The Ministry of Public Security has submitted to the Prime Minister the recommendation on the accession to the International Convention against Taking Hostages and the International Convention on Suppression of Terrorist Bombing. It is expected that Viet Nam will accede to these two conventions in the near future.

Other international co-operation efforts of Viet Nam on counter-terrorism:

Viet Nam has been taking part in elaborating and implementing Declarations, Action Plans against terrorism within the framework of international organizations and fora, namely:

- Within the Asia – Europe Meeting (ASEM):

+ At the Fifth Summit Meeting of ASEM (Ha Noi, November 2004), Viet Nam and other of Asia and Europe countries continued to reaffirm the commitment to enhance anti-terrorism co-operation in accordance with the United Nations Charter and the fundamental principles of international law. The Leaders condemned the series of terrorist attacks and reaffirmed their strong commitments to combat terrorism in all its forms and manifestations, which remains a serious threat to international peace and security, sustainable development and political stability. They stressed that the fight against terrorism requires a comprehensive approach; collective efforts international cooperation where the United Nations plays the leading role, and root causes of terrorism are duly taken into account. They also underlined that the fight against terrorism must be conducted in accordance with the principles enshrined in the UN Charter and basic norms of international law, including those of non-interference, respect for territorial integrity and national sovereignty, respect for human rights and the

[8] "In case, with respect to the same subject matter, a legal document contains provision(s) different from any relevant provisions of an international treaty to which the Socialist Republic of Vietnam is a party, the provisions of the international treaty shall prevail".

rule of law. They stressed the importance for the international community to ensure the conclusion and implementation of all relevant counter-terrorism conventions and protocols, and the full implementation of UN Security Council Resolutions on counter-terrorism including Resolution 1373. The Leaders, recalling their determination as expressed at ASEM 4, agreed on the need to further strengthen ASEM consultation, cooperation and coordination in the fight against terrorism through specific initiatives and practical measures and extension of capacity building assistance where needed.[9]

+ Participating the "ASEM Conference on Anti-Terrorism" (Berlin, October 2004).

- Within the framework of the Association of Southeast Asia Nations (ASEAN):

As a member of ASEAN, Viet Nam has actively contributed to the anti-terrorism efforts of ASEAN[10] as well as between ASEAN and its counterparts, such as:

+ Signed ASEAN-Australia Joint Declaration on Cooperation in Combating International Terrorism, July 2004[11].

+ Signed ASEAN - China MOU on Cooperation in the Field of Non-traditional Security Issues, January 2004[12].

+ Signed ASEAN-Japan Joint Declaration for Cooperation to Combat International Terrorism, November 2004[13].

+ Signed an ASEAN-Russia Joint Declaration on Cooperation in Combating International Terrorism, July 2004[14].

+ Is negotiating with EU and intends to sign the "Regional Indicative Program - RIP" in which anti-terrorism is one of important issues.

- Within the Asia – Pacific Economic Co-operation Forum (APEC):

Viet Nam worked out "Counter-Terrorism Action Plan"[15] (CTAP) and sent to the APEC Secretariat at the Senior Officials Meeting II (SOM II), held in Thailand in August 2003. The Plan contains a list of measures which are being carried out in order to realize the Declaration of APEC Leaders on anti-terrorism and to identify the need for anti-terrorism capacity building of Viet Nam. Viet Nam is updating the CTAP 2005 and will send it to APEC Secretariat in accordance with APEC regulations.

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[9] Full text of the Statement appears as Annex 6.
[10] See more at http://www.aseansec.org/14396.htm.
[11] See more at http://www.aseansec.org/7278.htm.
[12] See more at http://www.aseansec.org/4979.htm.
[13] See more at http://www.aseansec.org/16808.htm.
[14] See more at http://www.aseansec.org/5922.htm.
[15] Full text of CTAP appears as Annex 7.

At the APEC Summit 12 (Chile, November 2004), Viet Nam and other APEC members agreed to adopt the list of 6 priority fields in order to implement the cooperation on anti-terrorism, namely improving security of sea-ports in the region; helping to enhancing capacity on anti-terrorism to ensure regional financial and trade security; cooperating on the supervision of exported and imported food in the region; strengthening commitment of co-operation in the public health system; continuing to implement business mobility initiatives; and the use of machine readable travel documents.

- Within the framework of the Asia Pacific Parliamentary Forum (APPF):

At the 13th Annual Meeting of APPF (Ha Long, Viet Nam, January 2005), Viet Nam coordinated with Australia, Japan and Russia to propose a Draft Resolution on anti-terrorism[16] which then was passed by the Meeting. The Resolution condemns terrorism in all its forms; reaffirms the need and determination to fight against terrorism by all means in accordance with the United Nations Charter; confirms the central coordinating role of the United Nations in the international efforts to counteract terrorism; reaffirms the effectiveness and the importance of international counter-terrorism conventions; requests all UN member countries to fully implement the UN Security Council resolutions relating to counter-terrorism measures, including Resolution 1373; requests APPF member countries to reinforce co-operation on anti-terrorism in every fields; emphasizes the necessity to enhance national counter-terrorism capacity to every countries; underlines the importance of establishment of special APPF body to co-operate in anti-terrorism legislation...

- Within the framework of the International Monetary Fund (IMF) and the Asia Development Bank (ADB):

The State Bank of Viet Nam has actively carried out international banking co-operation in counter-terrorism financing. In particular, last year, the State Bank of Viet Nam fulfilled the questionnaire of IMF and ADB on Viet Nam's policies and institutions against money laundering and anti-terrorism financing. The State Bank of Viet Nam also made contribution to the Draft "The amended methodology to assess the conformity with standards against money laundering and counter-terrorism financing" drafted by the Department of Legal Affairs and the Department of Monetary Systems of IMF.

In addition to the above-mentioned efforts of co-operation, Viet Nam has sent its delegations to many workshops on anti-terrorism, such as:

- "The Asia Pacific Ministerial Meeting on Counter-Terrorism" (Bali, Indonesia February 2004); "The Bali Process on Counter-Terrorism – Legal Issues Working Group Meeting" (Canberra, August 2004); "The Meeting of the Regional Working Group on Law Enforcement Practitioners" (Bali, Indonesia August 2004);

[16] Full text of the Resolution appears as Annex 8.

- "The ASEAN-China Workshop on Counter-Terrorism" (Jiangsu, China 20 September 2004);

- "The Workshop on prevention of Mass Destructive Weapons" (Kuala Lumpur, July 2004);

- Seminar on Prevention and Crisis Management of Chemical Terrorism" (Kuala Lumpur, July 2004);

- Seminar on Promotion of Accession to the International Convention for the Suppression of the Financing of Terrorism" (Japan, December 2004).

Besides, Viet Nam has organized some workshop on counter-terrorism, namely:

- The Workshop on Accession and Implementation of Anti-Terrorism Treaties", Ha Noi, 22 December 2004

- Within the framework of ASEAN-Australia Development Program Co-operation, funded by Australia, Viet Nam organized the "Training Course on Theory of Counter Terrorism Recognition and Multi-lateral Collaborating for Combating Terrorism" in Ha Noi on December 2004. The attendees of the Course were senior officials from agencies responsible for counter terrorism from ASEAN countries. The Course objectives were: to enhance the capacity to combat terrorism at the international level; to enhance skills and knowledge required to combat terrorism at the national level; and to enhance the skill and knowledge required to combat terrorism in bilateral and multi-jurisdictional agencies with other ASEAN nations.

These workshops helped the relevant agencies, experts and officials of Viet Nam to enhance their understanding, and to acquire experiences from other countries and organizations in effectively implementing and fighting against terrorism.

Viet Nam continued to co-operate with international fora and organizations such as Interpol, Aseanpol, UNODC, ICAO, APEC, ARF; actively exchange information on anti-terrorism with other countries (including the United States, Great Britain, Japan, South Korea...), thus helping to acquire useful information and documents on terrorist organizations or those suspected to have link with terrorism.

* *Measures to prevent the financing of terrorism*

Having been instructed by the Prime Minister, the State Bank of Viet Nam has taken the lead in coordination with relevant ministries and agencies, especially the Ministry of Public Security and the Ministry of Finance, in carrying out such measures to prevent the financing of terrorism in the light of the Resolution 1373 (2001) of the UN Security Council, such as: to investigate and check the financial transactions to detect and prevent activities related to the financing of terrorism such as illegal transfer of money, money laundering, to deal with activities relating to illegal transactions of money.. of domestic and foreign

organizations and individuals. With regard to the suppression of the financing of criminals and terrorists, Viet Nam has ordered its Credit Funds to continue checking accounts of those (objects) under the list of terrorist organizations. However, to date, no financial transaction of them has been reported, especially that of organizations and individuals under the List of 1267 Committee (please refer to the Report submitted to the Committee established under Resolution 1267 (1999) of the United nations Security Council pursuant to paragraphs 6 and 12 of Resolution 1455 (2003) of the Security Council – submitted by Viet Nam on 01 August 2003).

In order to lay a legal basis for implementing measures against the financing of terrorism, in accordance with the International Convention for the Suppression of the Financing of Terrorism and relevant Resolutions of the UN Security Council, the State Bank of Viet Nam has submitted to the Government the Draft of Decree against Money Laundering for the Government's consideration and promulgation of this Decree. In principle, this Decree was drafted on the basis of relevant recommendations of adopted by the Financial Action Task Force (FATF) of the Organization for Economic Co-operation Development (OECD), simultaneously taking into account the particular situation of Viet Nam.

In the time to come, when the Decree is promulgated, the more sufficient and stricter provisions for detecting, stopping suspicious transactions will further strengthen measures against the financing of terrorism through financial banking transactions in Viet Nam (Viet Nam will keep on updating CTC on this issue).

2. ASSISTANCE AND GUIDANCE:

2.1. The CTC wishes to emphasize once more the importance that it attaches to the provision of assistance and advice in connection with the implementation of the Resolution.

2.2 The CTC's Directory of Assistance (www.un.org.sc.ctc) is frequently updated to include new relevant information on available assistance. The CTC is aware that Viet Nam has been in contact with international organizations providing technical assistance. Nevertheless, the latest report does not make conference to new national projects or initiatives, which could be supported by providers of technical assistance.

2.3 For these reasons, the CTC would be grateful to receive, at Viet Nam's earliest convenience, a report of outcome of the technical assistance that has been provided to date, including any initiatives designed to meet Viet Nam's obligations under the Resolution.

Vietnam's response:

In 2004, Viet Nam received technical assistance in carrying out some activities in the field of anti-terrorism:

a) Assistance of UNODC in successfully organizing the "Workshop on Accession and Implementation of Anti-Terrorism Treaties" in Ha Noi on 22 December 2004.

The Workshop condemns terrorism in its all forms and motives, and emphasizes that the fight against terrorism requires a comprehensive approach, collective efforts and international co-operation, where the United Nations plays the leading role, and root causes of terrorism are taken into account. The fight against terrorism must be conducted in accordance with the principles enshrined in the UN Charter and fundamental principles of international law.

At the Workshop, representatives from major ministries and agencies in charge of combating terrorism made presentations on the situations of anti-terrorism co-operation of Viet Nam in the past, including the implementation of the Resolution 1373 (2001) of the Un Security Council.

Also at this Workshop, experts from UNODC introduced the global legal framework of counter-terrorism, especially the 4 conventions on anti-terrorism to which Viet Nam had not yet been a party.

The workshop also exchanged views on measures to enhance Viet Nam's implementation of international commitments under the above-mentioned conventions, especially the accomplishment of the domestic legal system on anti-terrorism (the Penal Code, the Criminal Procedure Code..."), which lays the ground for the implementation of the above-mentioned commitments.

b) Within the framework of ASEAN – Australia Development Co-operation Program, funded by Australia, the Ministry of Public Security organized the "Training Course on Theory of Counter Terrorism Recognition and Multi-lateral Collaborating for Combating Terrorism" in Ha Noi on December 2004 (as mentioned above).

c) In 2004, the State Bank of Viet Nam received technical assistance from the Asia Development Bank to elaborate the Draft Decree against Money Laundering.

In order to assist Viet Nam in the elaboration of the Draft Decree against Money Laundering, the Asia Development Bank (ADB) sent an expert with profound experience in this issue to Viet Nam to help Vietnamese experts and officials in drafting this Decree as well as in formulating directive documents of the Decree.

At present, the Draft Decree has been submitted to the Government for approval in order that it is promulgated in 2005. In 2005, the State Bank of Viet Nam intends to organize 2 workshops on this Decree, with the participation of many relevant ministries and agencies as well as international organizations.

The above-mentioned activities appear to be effective for Viet Nam in making efforts to prevent and fight against terrorism as well as in implementing its obligations under the Resolution 1373 (2001). However, in order to better implement the Resolution

1373 (2001), in the future, Viet Nam needs further supports, particularly in improvement and accomplishment of its legal framework and strengthening its institutional capacity to combat financing of terrorism (as mentioned in previous Reports).

The relevant agencies of Viet Nam will directly contact with agencies assigned by the CTC on the above-mentioned issues.

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Security Council

Distr.: General
18 April 2005

Original: English

Letter dated 14 April 2005 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I write with reference to my predecessor's letter of 7 November 2002 (S/2002/1228). The Counter-Terrorism Committee has received the attached second report from Ghana submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex). I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Ellen Margrethe **Løj**
Chairman
Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

05-31860 (E) 130505

Annex

Note verbale dated 6 October 2004 from the Permanent Mission of Ghana to the United Nations addressed to the Chairman of the Counter-Terrorism Committee

The Permanent Mission of the Republic of Ghana to the United Nations presents its compliments to the Chairman of the Committee and has the honour to forward, herewith, a second report on activities by the Government of Ghana in compliance with resolution 1373 (2001) (see enclosure).

Enclosure

Second report to the Counter-Terrorism Committee of the Security Council established pursuant to paragraph 6 of Security Council resolution 1373 (2001)

Ghana

In line with its national aspiration of peaceful co-existence and its United Nations Charter obligations, Ghana condemns all forms of terrorist activities wherever they occur and has been willing to co-operate internationally to prevent and combat the threat, for the purpose of achieving international peace and security.

This commitment of the Ghana Government is evidenced by the practical measures the country has taken in recent times on the domestic, regional and international front, in conformity with Security Council Resolution 1373 (2001) of 28th September, 2001, as follows:

International Agreements

The Parliament of Ghana has ratified very significant international conventions on combating terrorism, namely:

- The International Convention for the Suppression of the Financing of Terrorism;
- The International Convention for the Suppression of Terrorist Bombings; and
- The Organization of African Unity Convention on the Prevention and Combating of Terrorism.

Also, Ghana, as a Member of the Economic Community of West African States (ECOWAS) and the Commonwealth, has subscribed to the strong anti-terrorism Declarations made by those two bodies.

National Commission on Small Arms

In respect of the ECOWAS Moratorium on the Proliferation of Small Arms and Ammunition and Light Weapons, the Government of Ghana, with the support of the UNDP, has set up a National Commission on Small Arms. This Commission is involved in monitoring cross border activities for the purpose of counteracting the proliferation of small arms within the sub-region. Several networking meetings of the National Commission within ECOWAS have taken place already aimed at fostering cooperation and enhancing the sharing of information.

Bilateral Agreements

It is acknowledged that the fight against terrorism is far beyond the capabilities of any single nation. For this reason, the Government of Ghana has demonstrated its preparedness to forge bilateral agreement with any country, within the framework of the UN Resolutions, for the purpose of combating global terrorism.

National Laws

In acceding to the above listed International (UN) Conventions on Terrorism, the Government of Ghana has borne the obligation to review the nation's local laws and establish criminal offences (i.e. amend Criminal Code) for terrorist acts and make such acts punishable.

The Ministry of Justice is working on the Bill on Terrorism which would include issues on definition, jurisdiction, penalties, financing of terrorism, money laundering, extradition, among others.

Also, the Bank of Ghana is currently preparing an Anti-Money Laundering Bill to be submitted to Parliament in due course for consideration.

Practical Measures

In conformity with the UN Security Council Resolution 1373 of September, 2001, there is now established under the National Security Council a Counter-Terrorism Operations Unit, which has the mandate for counter-terrorism intelligence gathering and operations.

Additionally, other State Security/Intelligence Agencies have reviewed their mandates, granting significant attention to anti-terrorism and related concerns.

The capabilities of Border Authorities, the Immigration and Customs Services, are also being upgraded so as to track down terrorists and other criminals who may attempt to cross national frontiers using falsified documents or with dangerous materials. To this end, the Government has received international support for the installation of a computerized (electronic) system at the national airport and other land frontiers, known as PISCES – Personal Identification Secure Comparison and Evaluation System. This equipment has components that facilitate passenger data processing and identifying Watch-listed persons.